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APPEAL BRIEF

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I. REAL PARTY IN INTEREST

Management Systems Resources, Inc., is the real party in interest

II. RELATED APPEALS AND INTERFERENCES

None

III. STATUS OF CLAIMS

Claims 1, 3-11 and 13-15 are rejected. Claims 2, 12 and 16-22 are cancelled. The appealed claims are 1, 3-11 and 13-15.

IV. STATUS OF AMENDMENTS

In response to the Final Office Action, Applicants amended claim 1 and cancelled claim

2. The Advisory Action stated that the amendment would be entered for purposes of appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

This section provides a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by paragraph and line number and to the drawings by reference characters as required by 37 CFR § 41.37(c)(1)(v). Each element of the claims is identified with a corresponding reference to the specification and drawings where applicable. Applicants note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element.

One aspect claimed is an integrated import/export system comprising:

a database (202, Fig. 2; p. 8, l. 6; p. 11, l. 23 to p. 12, l. 10) containing data related to a plurality of shipping transactions,

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods, between at least two jurisdictions (p. 4, ll. 19-22; p. 11, ll. 23-25; p. 12, l. 22 to p. 13, l. 14),

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions (p. 11, l. 23 – p. 12, l. 10),

where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record (p. 11, ll. 23-29; p. 12, ll. 22-27),

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record (p. 12, l. 2 to p. 17, l. 8)

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction (p. 12, l. 2 to p. 17, l. 8);

a database server hosting said database (204, Fig. 2; p. 9, ll. 3-4); and

an application server in communication with said database server for providing a user interface to any of a plurality of clients (206, Fig. 2; 208, Fig. 2; p. 10, ll. 21-27), each client associated with a member of a supply chain for a particular shipping transaction of said plurality of shipping transactions (p. 3, ll. 11-17; p. 4, ll. 24-25; p. 7, ll. 8-14), said

interface allowing said at least one client to modify a portion of a record associated with said particular shipping transaction (p. 3, ll. 15-17; p. 4, ll. 25-27; p. 10, ll. 21-27; p. 18, l. 9 to p. 19, l. 20) if said member associated with said client has proper security authorization to modify said portion (p. 3, ll. 15-17; p. 18, ll. 9-13).

A second aspect claimed is a method of operating an integrated import/export system comprising:

maintaining a database (202, Fig. 2; p. 8, l. 6; p. 11, l. 23 to p. 12, l. 10) containing data related to a plurality of shipping transactions,

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions (p. 4, ll. 19-22; p. 11, ll. 23-25; p. 12, l. 22 to p. 13, l. 14);

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions (p. 11, l. 23 – p. 12, l. 10),

where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record (p. 11, l. 23 – p. 12, l. 10),

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record (p. 12, l. 2 to p. 17, l. 8);

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction (p. 12, l. 2 to p. 17, l. 8);

providing an interface for accessing particular ones of said records in said database to a member of a supply chain for said particular ones of said plurality of shipping transactions (206, Fig. 2; 208, Fig. 2; p. 10, ll. 21-27);

receiving, from said member, an instruction to modify one of said particular ones of said records relating to said particular one of said plurality of shipping transactions (p. 3, ll. 15-17; p. 18, ll. 9-13);

determining whether said instruction to modify relates to a portion of said one of said records for which said member has modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13); and

modifying said one of said records according to said instruction if said member has said modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13).

A third aspect claimed is a computer readable medium containing computer-executable instructions which, when performed by a processor in an import/export system, cause the processor to:

maintain a database (202, Fig. 2; p. 8, l. 6; p. 11, l. 23 to p. 12, l. 10) containing data related to a plurality of shipping transactions,

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions (p. 4, ll. 19-22; p. 11, ll. 23-25; p. 12, l. 22 to p. 13, l. 14);

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions (p. 11, l. 23 – p. 12, l. 10),

where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record (p. 11, ll. 23-29; p. 12, ll. 22-27),

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record (p. 12, l. 2 to p. 17, l. 8)

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction (p. 12, l. 2 to p. 17, l. 8);

provide an interface for accessing particular ones of said records in said database to a member of a supply chain for said particular ones of said plurality of shipping transactions (206, Fig. 2; 208, Fig. 2; p. 10, ll. 21-27) ;

receive, from said member, an instruction to modify a particular one of said records relating to said particular one of said plurality of shipping transactions (p. 3, ll. 15-17; p. 18, ll. 9-13);

determine whether said instruction to modify relates to a portion of said one of said records for which said member has modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13); and

modify said one of said records according to said instruction if said member has said modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13).

A fourth aspect claimed is a record editing system in communication with an integrated import/export system, said record editing system operable to:

display an interface to a member of a supply chain for a particular shipping transaction, said interface allowing interaction with a database (202, Fig. 2; p. 8, l. 6; p. 11, l. 23 to p. 12, l. 10) containing data related to a plurality of shipping transactions (206, Fig. 2; 208, Fig. 2; p. 10, ll. 21-27),

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions (p. 4, ll. 19-22; p. 11, ll. 23-25; p. 12, l. 22 to p. 13, l. 14);

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions (p. 11, l. 23 – p. 12, l. 10),

where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record (p. 11, ll. 23-29; p. 12, ll. 22-27),

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record (p. 12, l. 2 to p. 17, l. 8),

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction (p. 12, l. 2 to p. 17, l. 8),

said database maintained at said integrated import/export system;

receive, from said member, instructions to modify a record relating to said particular shipping transaction (p. 3, ll. 15-17; p. 18, ll. 9-13);

determine whether said instructions to modify relate to a portion of said one of said records for which said member has modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13); and

modify said one of said records according to said instructions if said member has said modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13).

A fifth aspect claimed is a record editing system in communication with an integrated import/export system, said record editing system comprising:

an output means for displaying an interface to a member of a supply chain for a particular shipping transaction, said interface allowing interaction with a database (202, Fig. 2; p. 8, l. 6; p. 11, l. 23 to p. 12, l. 10) containing data related to a plurality of shipping transactions (206, Fig. 2; 208, Fig. 2; p. 10, ll. 21-27),

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions (p. 4, ll. 19-22; p. 11, ll. 23-25; p. 12, l. 22 to p. 13, l. 14);

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions (p. 11, l. 23 – p. 12, l. 10),

where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record (p. 11, l. 23 – p. 12, l. 10),

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record (p. 12, l. 2 to p. 17, l. 8)

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction (p. 12, l. 2 to p. 17, l. 8),

said database maintained at said integrated import/export system;

an input means for receiving, from said member, instructions to modify a record relating to said shipping transaction (206, Fig. 2; 208, Fig. 2; p. 3, ll. 15-17; p. 10, ll. 21-27; p. 18, ll. 9-13); and

a processing means (206, Fig. 2; 208, Fig. 2; p. 10, ll. 21-27) adapted to:

determine whether said instructions to modify relate to a portion of said one of said records for which said member has modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13); and

modify said one of said records according to said instructions if said member has said modification authority (p. 3, ll. 15-17; p. 18, ll. 9-13).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 3-11 and 13-15 stand rejected under 35 U.S.C. § 103, as being obvious over Le, U.S. Patent Application 2003/0065949, in view of O'Donnell, U.S. Patent Application 2002/0013739, and Zachariassen, U.S. Patent Application 2002/0062280.

VII. ARGUMENT

The claims do not stand or fall together. Instead, appellants present separate arguments for various independent and dependent claims. After a concise discussion of cited art, each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 CFR § 41.37(c)(1)(vii).

Claims 1, 3-11 and 13-15 have been rejected under 35 U.S.C. § 103 as being obvious over United States Patent Applications Publication 2003/0065949 A1 to Le et al. (“Le”) and 2002/0062280 A1 to Zachariassen et al. (“Zachariassen”).

A. No Database in Le

The Final Office Action directed the attention of the Applicants to paragraphs [0079], [0088], [0090] and [0094] of Le to illustrate that the database element of claim 1 is disclosed in Le. However, the system discussed in Le includes a series of databases for each aspect of the process, with each database having its own record with its own data relevant to just that aspect. This differs from the claimed database and its records which include a primary key, where said primary key uniquely identifies said shipping transaction associated with said record, and where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record, including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction. The Final Office Action admits this point but then goes on to cite O’Donnell for this element. Applicants submit that this admission is sufficient by itself to render improper the citation of Le as having the claimed database. The structure and data contained in a database is fundamental to its operation so that the admission that the required records are not present in Le effectively admits that Le does not even have the database, thus failing to even have this basic element of the claim.

B. Improper Combination

Applicants further submit that the proposed combination of Le and O’Donnell is improper. First, Applicants will assume arguendo the position taken in the Final Office Action

that O'Donnell shows a database meeting the claim limitations and explain that the combination is improper. Second, Applicants will further analyze O'Donnell itself and show that it is actually duplicative of Le as to the required record and its contents, not teaching is argued in the Final Office Action.

As background, Le notes the following. "In attempting to automate and standardize processes, numerous transportation service providers have developed automated processes within their areas of expertise. Such efforts have produced tax services, shipment tracking services, customs invoicing services, duty calculation services, customs classification services, import regulation services, export regulation services, and a large host of other applications." (¶ 6.) Then, in his summary of the invention, he states the following. "The invention features an application server module, being configured to selectively send data to, receive data from, and/or share data between the service engines. The application server module uses this data passing and sharing to selectively operate the service engines and integrate their separate services into an integrated service. Any number of users having needed of the integrated service can request the integrated service by accessing the application server module via an interface module." (¶ 11.) Thus, Le provides an application server which integrates a variety of legacy service engines and provides users with a common interface to use the services. Le's entire goal and focus is to provide a front end to multiple disparate systems.

On the first argument, Le's entire focus, as described above, is on leaving the underlying data spread over multiple databases. If O'Donnell were to support the unified database with records as required by the claim, as alleged in the Final Office Action, one skilled in the art would not combine it with Le because it is directly against the teachings of Le. In fact, it is probable that the entire intent and goal of Le, interfacing the various systems and providing a front end, would be totally nullified and made superfluous. As such, it is not a proper combination with Le as it would destroy the operation of Le and that is well known to be a clear indicator of an improper combination.

Second, O'Donnell, in fact, does not teach the database with records as required when O'Donnell is fully reviewed. As in Le, O'Donnell has interconnected a number of different parties in a shipping process. In O'Donnell each party has its own database of information, see 10H (¶¶ 127-163) 20H, (¶¶ 173-182), 30H (¶¶ 190-192), 40H (¶¶ 199-209) 50H (¶¶ 218-228)

and 60H (§§ 237-246). Reviewing the cited sections, each database, other than the central processing database 10H, contains only the information relevant to that party. The user interacts with the central processing computer 10 using the user computer 20. As best determined, each other party will only interact with its relevant computer, thus not interacting with the central processing computer 10. The central processing computer 10 will interact with the other computers as needed. This is the same as the system in Le, a series of independent databases with a central system accessing them. Therefore O'Donnell teaches nothing more than Le and does not teach the record requirement of the claims. This is made clearer when it is noted that only the Shipper database 40H contains import and export – related information (§ 203). The central processing database 10H does not contain any such information (§ 159), thus clearly not meeting the claim requirements of records with data required to process a step of exporting . . . and step of importing. This is also as shown in Le, where such information is contained on a separate server. Thus O'Donnell just provides a distributed system as in Le, not the unified system of the claim and not as alleged in the Final Office Action.

Applicants submit that either O'Donnell is not properly combined as it would destroy the operation of Le or it is merely duplicative of Le, just describing a distributed system as in Le. In either case it is clear the rejection is improper and should be reversed.

Applicants therefore submit that claim 1 is not obvious over Le, O'Donnell and Zachariassen and should be allowed.

C. Remaining Claims

With claim 1 allowable, it is submitted that claims 3-7, which depend, either directly or indirectly, from claim 1, are also patentable.

As claim 8 includes the same requirements relating to the database and the contents of the records, it is submitted that claim 8 is not obvious over Le, O'Donnell and Zachariassen for similar reasons. Reversal of the rejection of claim 8 and claims 9, 10 and 11, which depend, either directly or indirectly, from claim 8, is therefore respectfully requested.

Claim 13 presents a computer readable medium that allows a processor in an import/export system to perform the method of claim 8. For the reasons stated above in

conjunction with the discussion of claim 8, Applicants submit that claim 13 is not obvious over Le, O'Donnell and Zachariassen. The Applicants respectfully request that the rejection of claim 13 be reversed.

Claim 14 and claim 15 relate to record editing systems for carrying out the method of claim 8. For the reasons stated above in conjunction with the discussion of claim 8, Applicants submit that claims 14 and 15 are not obvious over Le, O'Donnell and Zachariassen. The Applicants respectfully request that the rejection of claims 14 and 15 be reversed.

VIII. CONCLUSION

For the reasons stated above, Applicants respectfully submit that the rejections should be reversed. Applicants believe that they have complied with each requirement for an appeal brief. If any member of the Board of Appeals has any questions or otherwise feels it would be advantageous, he or she is encouraged to telephone the undersigned at (832) 446-2405.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Wong, Cabello, Lutsch, Rutherford & Brucculeri, LLP Deposit Account Number 501922, referencing matter number 757-0003US.

Respectfully submitted,

/Keith Lutsch/

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IX. CLAIMS APPENDIX

1. (previously presented) An integrated import/export system comprising:

a database containing data related to a plurality of shipping transactions,
each shipping transaction of said plurality of shipping transactions relating to a transfer of goods, between at least two jurisdictions,
with the data organized into records associated with each shipping transaction of said plurality of shipping transactions ,
where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record,
where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction;

a database server hosting said database; and
an application server in communication with said database server for providing a user interface to any of a plurality of clients, each client associated with a member of a supply chain for a particular shipping transaction of said plurality of shipping transactions, said interface allowing said at least one client to modify a portion of a record associated with said particular shipping transaction if said member associated with said client has proper security authorization to modify said portion.

2. (cancelled)

3. (original) The integrated import/export system of claim 1 further comprising an electronic data interchange server in communication with said database server.

4. (previously presented) The integrated import/export system of claim 3 wherein said electronic data interchange server allows said system to exchange information with databases and data repositories of said member of said supply chain.

5. (original) The integrated import/export system of claim 3 wherein said electronic data interchange server allows access to databases maintained by governments of said jurisdictions.

6. (original) The integrated import/export system of claim 1 further comprising a file transfer protocol server for enabling receipt and transmission of said records using the file transfer protocol.

7. (original) The integrated import/export system of claim 1 further comprising a hyper-text transfer protocol (HTTP) server for enabling receipt of a request for a page and transmission of said page to an origin of said request.

8. (previously presented) A method of operating an integrated import/export system comprising:
maintaining a database containing data related to a plurality of shipping transactions,
each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions;
with the data organized into records associated with each shipping transaction of said plurality of shipping transactions,
where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record,
where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record
including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction;
providing an interface for accessing particular ones of said records in said database to a member of a supply chain for said particular ones of said plurality of shipping transactions;

receiving, from said member, an instruction to modify one of said particular ones of said records relating to said particular one of said plurality of shipping transactions;

determining whether said instruction to modify relates to a portion of said one of said records for which said member has modification authority; and

modifying said one of said records according to said instruction if said member has said modification authority.

9. (original) The method of claim 8 further comprising:

receiving a query for information stored in databases maintained by governments of said at least two jurisdictions;

responsive to receiving said query, accessing said databases maintained by said governments of said at least two jurisdictions to retrieve a result; and

presenting said result of said accessing to a source of said query.

10. (original) The method of claim 9 further comprising submitting documentation for entry into said databases maintained by said governments of said at least two jurisdictions.

11. (previously presented) The method of claim 9 further comprising querying said databases maintained by said governments of said at least two jurisdictions to determine a clearance status of a given shipping transaction.

12. (cancelled)

13. (previously presented) A computer readable medium containing computer-executable instructions which, when performed by a processor in an import/export system, cause the processor to:

maintain a database containing data related to a plurality of shipping transactions,
each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions;

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions,
where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record,
where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction;

provide an interface for accessing particular ones of said records in said database to a member of a supply chain for said particular ones of said plurality of shipping transactions;

receive, from said member, an instruction to modify a particular one of said records relating to said particular one of said plurality of shipping transactions;

determine whether said instruction to modify relates to a portion of said one of said records for which said member has modification authority; and

modify said one of said records according to said instruction if said member has said modification authority.

14. (previously presented) A record editing system in communication with an integrated import/export system, said record editing system operable to:

display an interface to a member of a supply chain for a particular shipping transaction, said interface allowing interaction with a database containing data related to a plurality of shipping transactions,

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions;

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions,
where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record,

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction,

said database maintained at said integrated import/export system;

receive, from said member, instructions to modify a record relating to said particular shipping transaction;

determine whether said instructions to modify relate to a portion of said one of said records for which said member has modification authority; and

modify said one of said records according to said instructions if said member has said modification authority.

15. (previously presented) A record editing system in communication with an integrated import/export system, said record editing system comprising:

an output means for displaying an interface to a member of a supply chain for a particular shipping transaction, said interface allowing interaction with a database containing data related to a plurality of shipping transactions,

each shipping transaction of said plurality of shipping transactions relating to a transfer of goods between at least two jurisdictions;

with the data organized into records associated with each shipping transaction of said plurality of shipping transactions ,

where each record includes a primary key, where said primary key uniquely identifies said shipping transaction associated with said record,

where each record also includes data required to process a plurality of steps of said shipping transaction associated with said record

including data required to process a step of exporting of a product from a first jurisdiction and data required to process a step of importing of said product to a second jurisdiction,

said database maintained at said integrated import/export system;

an input means for receiving, from said member, instructions to modify a record relating to said shipping transaction; and

a processing means adapted to:

determine whether said instructions to modify relate to a portion of said one of said records for which said member has modification authority; and

modify said one of said records according to said instructions if said member has said modification authority.

16-22. (cancelled)

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.